

The Compact would establish both a framework for this cooperative exchange of criminal history records for noncriminal justice purposes, and create a Compact Council with representatives from the FBI and the States to monitor system operations and issue necessary rules and procedures for the integrity and accuracy of the records and compliance with privacy standards. Importantly, this Compact would not in any way expand or diminish noncriminal justice purposes for which criminal history records may be used under existing State or Federal law.

Overall, I believe that the Compact would increase the accuracy, completeness and privacy protection for criminal history records.

In addition, the Compact would result in important cost savings from establishing a decentralized system. Under the system envisioned by the Compact, the FBI would hold only an index and pointer to the records maintained at the originating State. The FBI would no longer have to maintain duplicate State records. Moreover, States would no longer have the burden and costs of submitting arrest fingerprints and charge/disposition data to the FBI for all arrests. Instead, the State would only have to submit to the FBI the fingerprints and textual identification data for a person's first arrest.

With this system, criminal history records would be more up-to-date, or complete, because a decentralized system will keep the records closer to their point of origin in State repositories, eliminating the need for the States to keep sending updated disposition information to the FBI. To ensure further accuracy, the Compact would require requests for criminal history checks for noncriminal justice purposes to be submitted with fingerprints or some other form of positive identification, to avoid mistaken release of records.

Furthermore, under the Compact, the newly created Council must establish procedures to require that the most current records are requested and that when a new need arises, a new record check is conducted.

Significantly, the newly created Council must establish privacy enhancing procedures to ensure that requested criminal history records are only used by authorized officials for authorized purposes. Furthermore, the Compact makes clear that only the FBI and authorized representatives from the State repository may have direct access to the FBI index. The Council must also ensure that only legally appropriate information is released and, specifically, that record entries that may not be used for noncriminal justice purposes are deleted from the response.

Thus, while the Compact would require the release of arrest records to a requesting State, the Compact would also ensure that if disposition records are available that the complete record be released. Also, the Compact would require States receiving records under

the Compact to ensure that the records are disseminated in compliance with the authorized uses in that State. Consequently, under the Compact, a State that receives arrest-only information would have to give effect to disposition-only policies in that State and not release that information for noncriminal justice purposes. Thus, in my view, the impact of the Compact for the privacy and accuracy of the records would be positive.

I am pleased to have joined with Senators HATCH and DEWINE to make a number of refinements to the Compact as transmitted by to us by the Administration. Specifically, we have worked to clarify that (1) the work of the Council includes establishing standards to protect the privacy of the records; (2) sealed criminal history records are not covered or subject to release for noncriminal justice purposes under the Compact; (3) the meetings of the Council are open to the public, and (4) the Council's decisions, rules and procedures are available for public inspection and copying and published in the Federal Register.

Commissioner Walton of the Vermont Department of Public Safety supports this Compact. He hopes that passage of the Compact will encourage Vermont to become a full participant in III for both criminal and noncriminal justice purposes, so that Vermont can reap the benefits of cost savings and improved data quality. The Compact is also strongly supported by the FBI and SEARCH.

We all have an interest in making sure that the criminal history records maintained by our law enforcement agencies at the local, State and Federal levels, are complete, accurate and accessible only to authorized personnel for legally authorized purposes. This Compact is a significant step in the process of achieving that goal.

#### PERFORMANCE OF BILL LANN LEE

Mr. LEAHY. Mr. President, the Senate Judiciary Committee has repeatedly postponed hearings regarding the performance of the Civil Rights Division of the Justice Department, including one that had been noticed for this morning. I am disappointed that this hearing was canceled because it would have offered us a chance to look at the outstanding on-the-job performance of Bill Lann Lee, our Acting Assistant Attorney General for Civil Rights.

At the end of last year, Bill Lee got caught up in one of the political whirlwinds that hit Washington every now and then. The result was that he became a victim of the right wing anti-affirmative action lobby and was denied a fair chance at a vote by the full Senate on his nomination to head the Civil Rights Division. Bill Lee was mischaracterized last fall as a wild-eyed radical and as someone ready to impose an extreme agenda on the United States. He was also misportrayed as a supporter of quotas.

I knew nothing could be further from the truth. After looking at Bill Lee's record, I knew he was a man who could effectively lead the Civil Rights Division, enforce the law and resolve disputes. I noted at the time: "He has been involved in approximately 200 cases in his 23 years of law practice, and he has settled all but six of them. Clearly, this is strong evidence that Mr. Lee is a problem solver and practical in his approach to the law. No one who has taken the time to thoroughly review his record could call him an ideologue." I recognized last fall that Bill Lee would be reasonable and practical in his approach to the job, and that he would be a top-notch enforcer of the Nation's civil rights laws.

Last December, after this nomination was blocked from going to the Senate for an up or down vote, the President and the Attorney General determined that the right thing to do was to have Bill Lee proceed to act as the head of the Civil Rights Division and to resubmit his nomination to the Senate. The Nation needs leadership in this important position. Bill Lee has been serving for seven months now, and he has established a solid track record. It is a shame that today's hearing was canceled, because it would have been a chance to show the Nation what an outstanding job he is doing for all Americans.

In preparation for the scheduled hearing, I have had a chance to take a close look at what Bill Lee has been doing while serving as the acting head of the Civil Rights Division. What I find is a record of strong accomplishments. In addition, I see professionalism and effective problem solving. I find him enforcing the law in a sensible and fair manner.

Over the past seven months, the Division has focused most intensely on three areas of the law: violations of our Nation's fair housing laws, enforcement of the Americans with Disabilities Act ("ADA"), and cases involving hate crimes. Bill Lee and his team of civil rights attorneys have made advances in each of these areas of the law.

The Division has resolved the following housing discrimination cases over the past few months:

An agreement was reached with two large New Jersey apartment complexes resolving allegations that the defendants had discriminated against potential renters based on family status and race. A housing discrimination case in Michigan was settled involving an apartment manager who told black applicants that no apartments were available at the same time that he was showing vacant apartments to white applicants. An agreement was also reached with the second largest real estate company in Alabama, which had been steering applicants to agents and residential areas based on race.

The Civil Rights Division has also focused on educating the public about

the ADA and enforcing it where necessary. These cases have included: resolution of a case in Hawaii to allow those who are vision impaired to travel to the State without having to quarantine their guide dogs for four months in advance of arrival; a consent decree with the National Collegiate Athletic Association so that high school athletes with learning disabilities have the opportunity to compete for scholarships and participate in college athletics; an agreement with private hospitals in Connecticut to ensure patients who are deaf have access to sign-language interpreters; and assistance to the State of Florida to update their building code to bring it into compliance with the ADA. Florida joins Maine, Texas and Washington State in having a certified building code thereby ensuring better compliance with the ADA by architects, builders and contractors within the State.

The Civil Rights Division has also resolved several hate crimes cases over the past seven months, including: In Idaho, six men pled guilty to engaging in a series of racially motivated attacks on Mexican American men, women and children, some as young as 9; in Arizona, three members of a skin-head group pled guilty to burning a cross in the front yard of an African American woman; and in Texas, a man pled guilty to entering a Jewish temple and firing several gun shots while shouting anti-Semitic slurs.

The Division has also been vigorously enforcing its criminal statutes, including: indictments against three people in Arkansas charged with church burning; guilty pleas by 16 Puerto Rico correctional officers who beat 22 inmates and then tried to cover it up; cases arising from Mexican women and girls, some as young as 14, being lured to the U.S. and then being forced into prostitution; and guilty pleas from 18 defendants who forced 60 deaf Mexican nationals to sell trinkets on the streets of New York. Out of concerns about slavery continuing in the U.S., Bill Lee has created a Worker Exploitation Task Force to coordinate enforcement efforts with the Department of Labor. I commend Mr. Lee for putting the spotlight on these shameful crimes.

Other significant cases which the Civil Rights Division has handled in the past few months include the following: several long-standing school desegregation cases were settled or their consent decrees were terminated, including cases in Kansas City, Kansas; San Juan County, Utah; and Indianapolis, Indiana. Japanese-Latin Americans who were deported and interned in the United States during World War II finally received compensation this year. Lawsuits in Ohio and Washington, D.C. were settled to allow women access to women's health clinics.

This record indicates that Bill Lee has been running the Division the way it should be run. Here in Washington, where we have lots of show horses, Bill Lee is a work horse—a dedicated public

official who is working hard to help solve our Nation's problems. I like people who get the job done. I commend Bill Lann Lee and the many hard-working professionals at the Civil Rights Division.

Bill Lee has served as acting head of the Civil Rights Division for seven months now. Given the claims made by many in the Senate last fall that Mr. Lee would lead the Division astray, you might expect that he would be in the headlines every day associated with some extreme decision. Instead, we have seen the strong and steady work of the Division—solid achievements and effective law enforcement.

Just last week, I received a letter from Governor Zell Miller of Georgia that is emblematic of the record that Bill Lee has established. Governor Miller discusses Bill Lee's efficient and effective ability to settle an action which involved Georgia's juvenile detention facilities. He notes that he was not exactly a fan of the Civil Rights Division before Bill Lee came along and writes that he "was fearful that Georgia would be unable to get a fair forum in which to present our position, and that we would once again be compelled to engage in protracted and expensive litigation." Governor Miller writes that his fears were unfounded, that the parties engaged in "intensive and expeditious negotiations" and reached a fair agreement. Governor Miller also notes:

I have indicated to Mr. Lee both personally and publicly that he and his staff treated Georgia with professionalism, fairness, and respect during our negotiations. Under the direction of Bill Lann Lee, what began as a potentially divisive and litigious process was transformed into an atmosphere where the State was able to have its case heard fairly, resulting in a reasonable agreement benefiting all parties. This is the way in which the Civil Rights Division should operate in its dealings with the states, and I am pleased to commend Mr. Lee and his staff for their efforts in this matter.

Bill Lee continues to build on his reputation as a professional and effective negotiator who routinely earns praise from opposing parties. I had high expectations for Bill Lee when he was nominated and I have not been disappointed. He is doing a terrific job, and I know that he will keep up the good work.

The President renominated Bill Lann Lee to be Assistant Attorney General in charge of the Civil Rights Division on January 29 of this year. Given his outstanding performance over the past seven months, I hope Chairman HATCH and the other Republican members of the Judiciary Committee will reconsider his nomination, review his record and favorably report the nomination of Bill Lee to the Senate so that he may be confirmed as the Assistant Attorney General for Civil Rights. Bill Lee deserves it.

I ask unanimous consent that the letter from Governor Miller of Georgia be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF GEORGIA,  
OFFICE OF THE GOVERNOR,  
Atlanta, July 9, 1998.

Hon. ORRIN HATCH,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

Hon. PATRICK LEAHY,  
U.S. Senate, Russell Senate Office Building,  
Washington, DC.

DEAR SENATORS HATCH AND LEAHY: It is my understanding that you are conducting an oversight hearing concerning the Civil Rights Division of the United States Department of Justice. The purpose of this letter is to advise you of the State of Georgia's recent experience with the Civil Rights Division, which ultimately resulted in a joint agreement concerning our state juvenile detention facilities.

During much of 1997, representatives of the Civil Rights Division investigated certain alleged conditions and practices in detention facilities operated by Georgia's Department of Juvenile Justice. The Justice Department received full cooperation from state officials during its investigation.

When the Justice Department's findings letter was released earlier this year, I was very upset with the manner in which the letter was issued and many of the comments contained in that correspondence. Frankly, given our state's prior experiences with the Department of Justice in general, and the Civil Rights Division in particular, I was fearful that Georgia would be unable to get a fair forum in which to present our position, and that we would once again be compelled to engage in protracted and expensive litigation.

I, members of my staff, and the Attorney General of Georgia made these concerns known to Acting Assistant Attorney General Bill Lann Lee and other Justice Department officials. We indicated a willingness to discuss the Justice Department's concerns and reach a reasonable resolution, as long as the legitimate interests of the State of Georgia in insuring public safety and developing its own policies would be honored.

After intensive and expeditious negotiations, the State of Georgia and the Department of Justice, through its Civil Rights Division directed by Mr. Lee, arrived at a Memorandum of Agreement which recognizes Georgia's legitimate interests to protect its citizens and set its own policies while, at the same time, improve services for youths in state custody. I have indicated to Mr. Lee both personally and publicly that he and his staff treated Georgia with professionalism, fairness, and respect during our negotiations.

Under the direction of Bill Lann Lee, what began as a potentially divisive and litigious process was transformed into an atmosphere where the State was able to have its case heard fairly, resulting in a reasonable agreement benefiting all parties.

This is the way in which the Civil Rights Division should operate in its dealings with the states, and I am pleased to commend Mr. Lee and his staff for their efforts in this manner.

With kindest regards, I remain.

Sincerely,

ZELL MILLER.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.